



Hamilton

INFORMATION REPORT

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| TO: | Chair and Members Planning Committee |
| COMMITTEE DATE: | October 3, 2023 |
| SUBJECT/REPORT NO: | Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-021, Zoning By-law Amendment Application ZAC-20-037 and Draft Plan of Subdivision Application 25T-202006 for Lack of Decision for Lands Located at 544 and 550 Rymal Road East, Hamilton (PED23211) (Ward 7) |
| WARD(S) AFFECTED: | Ward 7 |
| PREPARED BY: | Johnpaul Loiacono (905) 546-2424 Ext. 5134 |
| SUBMITTED BY: | Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department |
| SIGNATURE: | |

COUNCIL DIRECTION

In accordance with Subsection 22(7), 34(11) and 51(34) of the *Planning Act*, an Official Plan Amendment, a Zoning By-law Amendment, and a Draft Plan of Subdivision application may be appealed to the Ontario Land Tribunal after 120 days if Council has not made a decision on the applications.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council, pursuant to the *Planning Act*, was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the Ontario Land Tribunal.

The following information is provided for Planning Committee's information with regards to Urban Hamilton Official Plan Amendment Application UHOPA-20-021, Zoning By-law Amendment Application ZAC-20-037 and Draft Plan of Subdivision Application 25T-202006, which have been appealed for non-decision.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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INFORMATION

The subject lands are municipally known as 544 and 550 Rymal Road East, Hamilton (refer to Appendix “A” attached to Report PED23211).

Urban Hamilton Official Plan Amendment Application UHOPA-20-021, Zoning By-law Amendment Application ZAC-20-037, and Draft Plan of Subdivision Application 25T-202006 were submitted by A.J. Clarke and Associates (c/o Ryan Ferrari) on behalf of Rymal East Development Corp. on September 11, 2020 and were deemed complete by staff on October 7, 2020.

The subject lands are located on the southside of Rymal Road East across from Acadia Drive between Upper Wentworth Street and Upper Sherman Avenue with the hydro corridor abutting the subject lands to the east. The lands are generally rectangular in shape having an area of approximately 1.61 hectares and 76 metres of frontage along Rymal Road East. The lands municipally known as 544 Rymal Road East contain a single detached dwelling that is not occupied, and 550 Rymal Road East is a vacant parcel.

The appeal of the Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, filed by Turkstra Mazza Associates (c/o Scott Snider), Agent for Rymal East Development Corp., was received by the City Clerk’s Office on July 20, 2023, 1,042 days from the receipt of the applications (refer to Appendix “D” attached to Report PED23211). Below is a high-level timeline of the Applicant’s submissions:

- Staff provided comments on the original submission on December 9, 2020;
- A second submission was received on July 27, 2021 and staff provided comments on November 17, 2021;
- The Applicant initiated a review to identify the Ecological Land Classification and any natural heritage features on the subject lands and completed genetic testing of four butternut trees found on the subject lands. This information was submitted on October 20, 2022 and November 9, 2022, respectively; and,
- A third submission was received on April 11, 2023 and staff provided comments on June 2, 2023.

Proposed Development

The original submission received on September 11, 2020 included a total of 290 dwelling units that consisted of a 12 storey multiple dwelling with 203 dwelling units, four

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three-storey stacked townhouse dwellings containing 69 dwelling units, ten street townhouse dwelling units, and eight single detached dwelling units.

The Applicant's latest proposal, received on April 11, 2023 and attached as Appendices "B" and "C" to Report PED23211, proposes a total of 429 dwelling units that consists of a 20 storey multiple dwelling containing 196 dwelling units, a 15 storey multiple dwelling containing 193 dwelling units, and two 3.5 storey stacked townhouse dwellings containing 40 dwelling units, with a total of 427 vehicle parking spaces (19 at grade spaces and 408 underground spaces over two levels). Additionally, a separate block toward the southern portion of the site conceptualizes 17 additional residential units consisting of ten street townhouse units and seven single detached dwellings to be developed as a future phase and are no longer subject to approval of the subject applications. As will be discussed further below, at a minimum, a Zoning By-law Amendment and a Draft Plan of Subdivision will be required to implement the proposal. The Draft Plan of Subdivision includes the conveyance of land for two proposed public rights-of-way that are intended to connect to the existing east-west roads of Arrowhead Drive and Onyx Court from the abutting subdivisions through adjacent lands to the west and south.

Urban Hamilton Official Plan

Rymal Road East is located along a "Secondary Corridor" and the subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations.

An Official Plan Amendment was initially being sought to establish a Site Specific Policy Area to permit a net residential density of 295 units per hectare on the northern development block. However, following the adoption of Official Plan Amendment No. 167, Urban Hamilton Official Plan Policy E.3.6.6, which limited the density for high density residential areas to a maximum of 200 units per hectare in the Neighbourhoods Designation outside of Central Hamilton, was removed from the Urban Hamilton Official Plan. Therefore, an Official Plan Amendment is no longer required for the purpose of adding site specific density permissions.

Following the first submission, a separate Linkage Assessment was being prepared by Dillon Consulting (January 2021) for the City's Landscape Architectural Services trail connection to Chappel Estates Park located adjacent to 550 Rymal Road East. Based on this report, a "windshield" assessment was completed and the wooded area at the rear of 544 Rymal Road East has been classified as a deciduous woodland. This assessment identified that the woodland may support candidate Significant Wildlife Habitat (Bat

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Maternity Roosts, habitat for Woodland Vole), habitat for Species at Risk (Butternut-“endangered” species) and a wildlife connection to the adjacent hydro corridor. Habitat for Endangered Species and Significant Wildlife Habitat are considered Core Areas (Key Natural Heritage Features). A refinement to the Core Areas boundary may require an Official Plan Amendment. To clarify the need for this Official Plan Amendment, staff were awaiting further information to address the latest Natural Heritage comments.

Zoning By-law Amendment

The subject lands are zoned “AA” (Agricultural) in the former City of Hamilton Zoning By-law No. 6593, as shown on Appendix “A” attached to Report PED23211. The proposed Zoning By-law Amendment is to change the zoning from the “AA” (Agricultural) Zone to the following:

- Block 1: to be rezoned to a modified Low Density Residential (R1) Zone for the portion of the future development consisting of street townhouse and single detached dwellings; and,
- Block 2: to be rezoned to a modified Transit Oriented Corridor Multiple Dwelling (TOC3) Zone for the portion of the proposal consisting of the 15 and 20 storey multiple dwellings and stacked townhouse units.

Site specific modifications are required to implement the proposed development, as shown on the Concept Plan in Appendix “B” attached to Report PED23211, including:

- An increase to the maximum building height requirement;
- A reduction to the minimum interior side yard;
- Revised parking standards, particularly for on-street parking; and,
- An increase to the maximum driveway width for ingress and egress.

Draft Plan of Subdivision

The revised Draft Plan of Subdivision consists of five blocks: one block for future development (Block 1), one block for the multiple dwellings (Block 2), one block for a road widening (Block 3), the extension of one public road (Arrowhead Drive), and two blocks for 0.3 m reserves (Blocks 4 and 5). A portion of Block 1 will have to be conveyed to extend Onyx Court through a future draft plan of subdivision application.

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Issues identified through the circulation include:

- There are concerns with the Draft Plan of Subdivision given that, among other things, it is unclear how the Applicant intends to make the connections to Arrowhead Drive and Onyx Court without agreements in place to cross the Hydro One Networks Inc. corridor to the east, or given that there is no development proposed to the lands immediately abutting the subject lands to the west. These road connections are important for the full build out of the subject lands and to fulfil the intended/planned connections as identified within the Chappel East Neighbourhood Plan, to ensure orderly development. This Neighbourhood Plan does not form part of the Urban Hamilton Official Plan, however, it does show that the extension of these roads as part of the build out of the neighbourhood.
- The proposal does not meet the Residential Intensification policies found in Chapter B of Volume 1 (B.2.4.1.4), more specifically compatible integration of the proposed development with the surrounding area in terms of use, scale, form and character is not achieved, and the development does not retain or enhance the natural attributes of the site;
- The proposal has not demonstrated compliance with Core Area policies found in Chapter C of Volume 1 (C.2.4) given the potential for the woodlot to be identified as a Core Area;
- The proposal does not meet the intent of the High Density Residential use policies in the Neighbourhoods designation found in Chapter E of Volume 1 (E.3.6), more specifically transitional features have not been provided in the design, such as building step backs, to mitigate any impact on to adjacent low profile residential uses, natural heritage system features are not proposed to be preserved (i.e. removal of the woodlot) and the proposal has not demonstrated a mix of unit sizes to accommodate a range of household sizes and income levels; and,
- Development Engineering related concerns including the identification of the preliminary grading needed to show the east and west road connections, demonstration of sufficient unallocated sanitary capacity and sufficient space for the provision of on-street parking.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation for the applications were sent to 105 property owners within 120 metres of the subject lands on October 23, 2020.

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Pursuant to the City's Public Consultation Strategy Guidelines, the Applicant prepared a Public Consultation Strategy, which included plans for an Open House or an alternative due to the COVID-19 pandemic. Due to ongoing logistical challenges encountered by the Applicant at that time, a public information letter was instead mailed out to property owners within 120 metres. The Applicant collected public comment, however they have yet to submit a summary of the public comment received for the public record.

To date, staff have received one inquiry from a representative of a neighbouring property owner who wanted to be notified of any progress on the applications to ensure their interest in future development in the area wasn't negatively impacted by the proposal.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23211 – Location Map
Appendix "B" to Report PED23211 – Concept Plan and Building Elevations
Appendix "C" to Report PED23211 – Proposed Draft Plan of Subdivision
Appendix "D" to Report PED23211 – Letter of Appeal

JL:sd